

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

Randy Smith

v.

Civil No. 14-cv-430-SM

Clark Gaphardt

**REPORT AND RECOMMENDATION**

Randy Smith filed a complaint (doc. no. 1), pursuant to 42 U.S.C. § 1983. The court conducted a preliminary review of the complaint, pursuant to 28 U.S.C. § 1915A(a) and LR 4.3(d)(1), and found that Smith had failed to state a claim upon which relief could be granted. In an Order (doc. no. 11) issued January 5, 2015, the court gave Smith the opportunity to amend his complaint by February 6, 2015. Smith has not filed any amendment to the complaint as directed. Accordingly, for the reasons stated herein and in the court's January 5, 2015, Order, the court recommends that the district judge dismiss the complaint for failure to state a claim upon which relief might be granted.

Any objections to this report and recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the

specified time waives the right to appeal the district court's order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010).

Andrea K. Johnstone  
Andrea K. Johnstone  
United States Magistrate Judge

April 3, 2015

cc: Randy Smith, pro se